

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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AMERISOURCEBERGEN DRUG  
CORPORATION,

Plaintiff,

v.

ROSELAND COMMUNITY HOSPITAL  
ASSOCIATION,

Defendant.

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)  
) No.  
) FILED: JUNE 25, 2008  
) 08CV3628  
) JUDGE ASPEN  
) MAGISTRATE JUDGE COLE  
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) PH  
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**COMPLAINT**

The plaintiff, AmerisourceBergen Drug Corporation (“ABDC”), by and through its attorneys, Loeb & Loeb LLP, hereby complains of defendant Roseland Community Hospital Association (“Roseland”), as follows:

**NATURE OF THE ACTION**

1. This is a straightforward action resulting from Roseland’s refusal to pay for goods sold and delivered to Roseland by ABDC. ABDC sold these goods to Roseland on credit through two open accounts. Roseland was required to pay ABDC for the goods pursuant to the terms set forth in the invoices. Accordingly, Roseland is obligated to pay the full amount due and owing on the two open accounts plus applicable interest and late charges. Roseland has failed to make payment to ABDC

### **THE PARTIES**

2. ABDC is a Delaware Corporation and conducts business at 1300 Morris Drive, Chesterbrook, Pennsylvania 19087.

3. Roseland is an Illinois not-for-profit corporation and conducts business at 45 West 111<sup>th</sup> Street, Chicago, Illinois 60628.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1332(a)(1) as complete diversity exists between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a)(1) because Roseland's principal place of business is Chicago, Illinois. Pursuant to 28 U.S.C. §1391(c) "a corporation shall be deemed to reside in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced."

### **BACKGROUND**

6. ABDC is a distributor of medical and pharmaceutical products.

7. Roseland is a hospital that was a customer of ABDC.

8. From approximately 2003 to 2007, Roseland purchased pharmaceuticals and other goods ("Goods") from ABDC on credit through two open accounts: Account No. 019037481 and Account No. 019008086.

9. ABDC sold Goods to Roseland on credit which required Roseland to pay for such Goods under terms set forth in the invoices provided to Roseland.

10. Roseland paid for many of the Goods purchased from ABDC.

11. However, Roseland has failed and refused to pay for Goods sold and delivered to

Roseland as identified on the open accounts receivable statement attached hereto and incorporated herein as Exhibit "A" for Account Number 019037481 in the amount of \$9,734.73 and on the open accounts receivable statement attached hereto and incorporated herein and marked Exhibit "B" for Account Number 019008086 in the amount of \$125,316.66.

12. Roseland is in default of its obligations to ABDC because, among other things, it has failed to make payments when due pursuant to the terms of the invoices.

13. As a result of the foregoing defaults, the principal amount of at least \$135,051.39 is immediately due and payable from Roseland to ABDC.

**COUNT I**  
**BREACH OF CONTRACT**

14. For this paragraph 14, ABDC realleges and incorporates herein by reference the allegations of paragraphs 1 -13 of this Complaint as though they were fully set forth.

15. Roseland has failed to make payments to ABDC in accordance with Roseland's obligations under the invoices and is otherwise in default of its obligations.

16. As a result of the foregoing defaults, an amount in excess of \$135,051.39 is immediately due and payable from Roseland.

17. All conditions precedent to ABDC's right to recover the above amount from Roseland have been performed or have occurred.

WHEREFORE, plaintiff, AmerisourceBergen Drug Corporation, respectfully requests this Court enter judgment against Roseland Community Hospital Association and in favor of AmerisourceBergen Drug Corporation in the amount of \$135,051.39 plus interest on each outstanding invoice until paid in full and applicable late charges and grant such other and further relief as is just and proper.

**COUNT II**  
**BREACH OF ACCOUNT STATED**

18. For this paragraph 18, ABDC realleges and incorporates herein by reference the allegations of paragraphs 1-17 of this Complaint as though they were fully set forth

19. Beginning in or about June 2003, ABDC had an ongoing business relationship with Roseland pursuant to which ABDC sold the Goods to Roseland, and Roseland was to pay for such Goods in accordance with the terms of the various statements of account sent from ABDC to Roseland.

20. ABDC invoiced Roseland for the Goods detailed above, which Goods were shipped at Roseland's request.

21. Roseland had an opportunity to review the relevant invoices and raise any objections regarding the accuracy of the information contained therein including, among other things, the amount stated as due.

22. Roseland never timely objected to the amounts set forth in ABDC's invoices.

23. Despite repeated demand, Roseland has failed to pay ABDC the total amounts due as invoiced.

24. As a direct and proximate result of Roseland's failure to pay its accounts as stated, ABDC has been damaged in an amount in excess of \$135,051.39.

WHEREFORE, plaintiff, AmerisourceBergen Drug Corporation, respectfully requests this Court enter judgment against Roseland Community Hospital Association and in favor of AmerisourceBergen Drug Corporation in the amount of \$135,051.39 plus interest on each outstanding invoice until paid in full and applicable late charges and grant such other and further relief as is just and proper.

**COUNT III**  
**UNJUST ENRICHMENT**

25. For this paragraph 25, ABDC realleges and incorporates herein by reference the allegations of paragraphs 1 - 24 of this Complaint, as though they were fully set forth.

26. ABDC conferred a benefit upon Roseland, to which Roseland was not entitled, by providing Roseland with the Goods.

27. Despite demand, Roseland has refused to return the Goods and/or to pay for them.

28. By accepting delivery of the Goods, retaining them, and not paying ABDC for them, Roseland has been unjustly enriched at ABDC's expense, in an amount in excess of \$135,051.39, thereby damaging ABDC.

WHEREFORE, plaintiff, AmerisourceBergen Drug Corporation, respectfully requests this Court enter judgment against Roseland Community Hospital Association and in favor of AmerisourceBergen Drug Corporation in the amount of \$135,051.39 plus interest on each outstanding invoice until paid in full and applicable late charges and grant such other and further relief as is just and proper.

Dated: June 25, 2008

Respectfully submitted,

AMERISOURCEBERGEN DRUG  
CORPORATION

By: /s/ Michael L. Molinaro  
One of Its Attorneys

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John F. Hiltz (ARDC #6289744)  
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321 North Clark Street, Suite 2300  
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MAGISTRATE JUDGE COLE



PH

Today's Date	Page
22 January 2008	1

Account Number	019037481
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Bill To	ROSELAND COMMUNITY HOSP-340B 45 WEST 111TH STREET CHICAGO, IL 60628
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## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
03/16/2007	019169058		04/10/2007	20.12	0.00	20.12
05/16/2007	019343400		06/10/2007	51.88	0.00	51.88
05/23/2007	019079588	04012007340B	06/10/2007	-23.98	0.00	-23.98
06/04/2007	019392260		06/25/2007	32.43	0.00	32.43
06/18/2007	019431067		07/10/2007	66.02	0.00	66.02
07/16/2007	019506083		08/10/2007	113.69	0.00	113.69
07/23/2007	019525031	07222007340B	08/10/2007	2,363.73	0.00	2,363.73
07/23/2007	019088623	07082007340B	08/10/2007	15.67	0.00	15.67
07/23/2007	019088622	07082007340B	08/10/2007	-6.17	0.00	-6.17
07/30/2007	019544318	7282007GYS	08/10/2007	7.76	0.00	7.76
07/30/2007	019544317	7272007GYS	08/10/2007	192.60	0.00	192.60
08/02/2007	019556496		08/25/2007	110.54	0.00	110.54
08/02/2007	019554865	812007GYS	08/25/2007	3.47	0.00	3.47
08/03/2007	019560206	8022007GYS	08/25/2007	264.91	0.00	264.91
08/08/2007	019571070	08072007340B	08/25/2007	2,613.81	0.00	2,613.81
08/08/2007	019092887	07052007340B	08/25/2007	131.86	0.00	131.86
08/08/2007	019092886	07052007340B	08/25/2007	-110.18	0.00	-110.18

Please address questions to: Name: Rosemary Coe

Telephone: 1-800-540-3991

Fax: 407-816-2232

Email: rcoe@amerisourcebergen.com



Today's Date	Page
22 January 2008	2

Account Number	019037481
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Bill To	ROSELAND COMMUNITY HOSP-340B 45 WEST 111TH STREET CHICAGO, IL 60628
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## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
08/10/2007	019578264	8092007GYS	08/25/2007	385.20	0.00	385.20
08/15/2007	019591637	08142007AMV	08/25/2007	2,738.61	0.00	2,738.61
08/16/2007	019595316		09/10/2007	70.21	0.00	70.21
09/04/2007	019643614		09/25/2007	110.37	0.00	110.37
09/17/2007	019678825		10/10/2007	83.19	0.00	83.19
09/25/2007	019080255	07082007340B	10/10/2007	24.56	0.00	24.56
09/25/2007	019080254	07082007340B	10/10/2007	-14.05	0.00	-14.05
10/03/2007	019725824		10/25/2007	83.19	0.00	83.19
10/16/2007	019759798		11/10/2007	83.27	0.00	83.27
11/05/2007	019809174		11/25/2007	64.40	0.00	64.40
12/03/2007	019889781		01/10/2008	128.81	0.00	128.81
01/02/2008	019970417		02/10/2008	128.81	0.00	128.81

Total Transactions	\$9,734.73
Less: Cash Received	\$0.00
Total Outstanding Balance	\$9,734.73

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JUDGE ASPEN

MAGISTRATE JUDGE COLE



PH

Today's Date	Page
16 January 2008	1

Account Number	019008086
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Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628
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## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
05/16/2007	019343335		06/10/2007	378.74	0.00	378.74
06/18/2007	019431016		07/10/2007	546.30	0.00	546.30
07/23/2007	019522844	07202007GYS	08/10/2007	929.91	0.00	929.91
07/23/2007	019522841	07202007AMV	08/10/2007	316.97	0.00	316.97
07/23/2007	019522842	07202007GYS	08/10/2007	32.52	0.00	32.52
07/23/2007	019525182	07222007GYS	08/10/2007	2,612.10	0.00	2,612.10
07/23/2007	019522843	07202007AMV	08/10/2007	3,860.38	0.00	3,860.38
07/24/2007	019527646	7232007GYS	08/10/2007	2,066.95	0.00	2,066.95
07/24/2007	019062709A	07162007RET	08/10/2007	-4,710.00	0.00	-4,710.00
07/24/2007	019527645	07222007CII	08/10/2007	653.45	0.00	653.45
07/25/2007	019532428	7242007GYS	08/10/2007	2,289.99	0.00	2,289.99
07/26/2007	019534546	07252007JS	08/10/2007	2,208.84	0.00	2,208.84
07/26/2007	019534545	072507BENIG	08/10/2007	19.97	0.00	19.97
07/26/2007	019534544	060302958	08/10/2007	65.93	0.00	65.93
07/27/2007	019540789	7262007GYS	08/10/2007	16.26	0.00	16.26
07/27/2007	019540790	7262007GYS	08/10/2007	2,545.58	0.00	2,545.58
07/30/2007	019090860	04012007AMV	08/10/2007	-423.03	0.00	-423.03

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Today's Date	Page
16 January 2008	2

Account Number	019008086
Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628

## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
07/30/2007	019090861	04012007AMV	08/10/2007	445.68	0.00	445.68
07/31/2007	019548945	7272007GYS	08/10/2007	16.26	0.00	16.26
07/31/2007	019548946	7282007GYS	08/10/2007	5.24	0.00	5.24
07/31/2007	019548951	7302007GYS	08/10/2007	2,587.98	0.00	2,587.98
07/31/2007	019547482	EMERGENCY ORDER	08/10/2007	1,494.81	0.00	1,494.81
08/01/2007	019552105	7312007	08/25/2007	1,691.39	0.00	1,691.39
08/01/2007	019552104	7312007	08/25/2007	32.52	0.00	32.52
08/01/2007	019552699	7312007	08/25/2007	78.50	0.00	78.50
08/01/2007	019552798	7312007	08/25/2007	808.36	0.00	808.36
08/02/2007	019556445		08/25/2007	977.90	0.00	977.90
08/02/2007	019553004	7312007	08/25/2007	313.14	0.00	313.14
08/02/2007	023604267	7312007	08/25/2007	30.43	0.00	30.43
08/02/2007	019554863	812007GYS	08/25/2007	50.77	0.00	50.77
08/02/2007	023604268	7312007GS	08/25/2007	8.87	0.00	8.87
08/02/2007	038953645	7312007	08/25/2007	16.96	0.00	16.96
08/02/2007	019045660	05102007RET	08/25/2007	-1,999.75	0.00	-1,999.75
08/02/2007	019058703	06292007RET	08/25/2007	-601.23	0.00	-601.23

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Today's Date	Page
16 January 2008	3

Account Number	019008086
----------------	-----------

Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628
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## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
08/02/2007	019554864	812007GYS	08/25/2007	1,374.57	0.00	1,374.57
08/03/2007	019558622	822007GYS	08/25/2007	3,780.98	0.00	3,780.98
08/03/2007	019560205	822007GYS	08/25/2007	32.52	0.00	32.52
08/06/2007	019562324	08052007AMV	08/25/2007	16.02	0.00	16.02
08/06/2007	019560632	822007GYS	08/25/2007	25.44	0.00	25.44
08/06/2007	019562325	8032007GYS	08/25/2007	6.18	0.00	6.18
08/06/2007	019561455	8032007GYS	08/25/2007	379.30	0.00	379.30
08/06/2007	019562327	8032007GYS	08/25/2007	519.80	0.00	519.80
08/06/2007	019562326	08052007AMV	08/25/2007	3,425.72	0.00	3,425.72
08/06/2007	019561456	8032007GYS	08/25/2007	4,369.65	0.00	4,369.65
08/07/2007	019568532	08062007AMV	08/25/2007	4,218.46	0.00	4,218.46
08/07/2007	019568531	08062007AMV	08/25/2007	29.58	0.00	29.58
08/08/2007	019571068	08072007AMV	08/25/2007	3,436.33	0.00	3,436.33
08/09/2007	019575768	08082007JS	08/25/2007	1,177.07	0.00	1,177.07
08/10/2007	019578263	08092007JS	08/25/2007	2,931.54	0.00	2,931.54
08/13/2007	019583830	8112007	08/25/2007	2,375.24	0.00	2,375.24
08/13/2007	019580230	8102007GYS	08/25/2007	2,125.22	0.00	2,125.22

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Today's Date	Page
16 January 2008	4

Account Number	019008086
----------------	-----------

Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628
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## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
08/13/2007	019583829	8112007	08/25/2007	51.76	0.00	51.76
08/13/2007	019580229	8102007GYS	08/25/2007	114.32	0.00	114.32
08/13/2007	019580134	08092007JS	08/25/2007	781.31	0.00	781.31
08/14/2007	019586483	8122007GYS	08/25/2007	917.92	0.00	917.92
08/14/2007	019586480	08132007AMV	08/25/2007	219.36	0.00	219.36
08/14/2007	019586481	8122007GYS	08/25/2007	32.52	0.00	32.52
08/14/2007	019586482	08132007AMV	08/25/2007	1,475.59	0.00	1,475.59
08/15/2007	019590003	08142007AMV	08/25/2007	7,485.38	0.00	7,485.38
08/15/2007	019590002	08142007AMV	08/25/2007	132.48	0.00	132.48
08/16/2007	019595272		09/10/2007	793.14	0.00	793.14
08/16/2007	019595052	08152007JS	09/10/2007	48.78	0.00	48.78
08/16/2007	019595053	08152007JS	09/10/2007	2,330.26	0.00	2,330.26
08/17/2007	019597769	08162007AMV	09/10/2007	2,584.54	0.00	2,584.54
08/17/2007	019597770	08162007BIOT	09/10/2007	146.61	0.00	146.61
08/20/2007	019599640	08172007AMV	09/10/2007	54.28	0.00	54.28
08/20/2007	019599642	081720072ND	09/10/2007	26.72	0.00	26.72
08/20/2007	019599641	08172007AMV	09/10/2007	2,371.85	0.00	2,371.85

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Today's Date	Page
16 January 2008	5

Account Number	019008086
----------------	-----------

Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628
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## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
08/20/2007	019601544	08162007CII	09/10/2007	1,467.52	0.00	1,467.52
08/20/2007	019602726	08192007AMV	09/10/2007	3,779.25	0.00	3,779.25
08/21/2007	019605816	08202007IVS	09/10/2007	514.61	0.00	514.61
08/21/2007	019605815	08202007AMV	09/10/2007	697.97	0.00	697.97
08/22/2007	019609483	08212007AMV	09/10/2007	65.04	0.00	65.04
08/22/2007	019609484	08212007AMV	09/10/2007	2,604.00	0.00	2,604.00
08/23/2007	019614010	08222007AMV	09/10/2007	4,135.44	0.00	4,135.44
08/23/2007	019614009	08222007AMV	09/10/2007	64.95	0.00	64.95
08/24/2007	019616513	08232007AMV	09/10/2007	1,372.01	0.00	1,372.01
08/29/2007	019631251	082820072ND	09/10/2007	3,766.50	0.00	3,766.50
08/29/2007	019631250	082820072ND	09/10/2007	44.42	0.00	44.42
09/04/2007	019641327	08272007AMV	09/25/2007	3,860.16	0.00	3,860.16
09/04/2007	019643554		09/25/2007	889.38	0.00	889.38
09/05/2007	019647180	08292007AMV	09/25/2007	3,419.50	0.00	3,419.50
09/05/2007	019647181	09042007AMV	09/25/2007	2,801.99	0.00	2,801.99
09/05/2007	019647179	09042007AMV	09/25/2007	256.82	0.00	256.82
09/06/2007	019650527	09052004AMV	09/25/2007	82.94	0.00	82.94

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Today's Date	Page
16 January 2008	6

Account Number	019008086
Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628

## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
09/06/2007	019650528	09052004AMV	09/25/2007	3,732.63	0.00	3,732.63
09/07/2007	019653419	09062007CII	09/25/2007	646.47	0.00	646.47
09/10/2007	019659263	09092007GYS	09/25/2007	143.36	0.00	143.36
09/10/2007	019655436	09072007AMV	09/25/2007	67.36	0.00	67.36
09/10/2007	019655940	09072007AMV	09/25/2007	4.62	0.00	4.62
09/10/2007	019659264	09092007GYS	09/25/2007	2,965.11	0.00	2,965.11
09/10/2007	019655437	09072007AMV	09/25/2007	8,091.13	0.00	8,091.13
09/11/2007	019078124	08052007AMV	09/25/2007	-12.39	0.00	-12.39
09/11/2007	019078125	08052007AMV	09/25/2007	15.42	0.00	15.42
09/14/2007	019078620	07132007AMV	09/25/2007	-136.02	0.00	-136.02
09/14/2007	019078621	07132007AMV	09/25/2007	144.27	0.00	144.27
09/17/2007	019678763		10/10/2007	942.35	0.00	942.35
09/25/2007	019080811	04112007RA	10/10/2007	96.18	0.00	96.18
09/25/2007	019080810	04112007RA	10/10/2007	-90.68	0.00	-90.68
09/26/2007	019702062		10/10/2007	-69.90	0.00	-69.90
09/26/2007	019701899	47021	10/10/2007	2,299.00	0.00	2,299.00
10/03/2007	019725740		10/25/2007	1,137.98	0.00	1,137.98

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Today's Date	Page
16 January 2008	7

Account Number	019008086
Bill To	ROSELAND COMMUNITY HOSPITAL 45 WEST 111TH STREET CHICAGO, IL 60628

## OPEN ACCOUNTS RECEIVABLE

Transaction Date	Transaction Number	Purchase Order	Transaction Due Date	Transaction Amount	Amount Paid	Balance Due
10/15/2007	019755563	101007	10/25/2007	803.45	0.00	803.45
10/16/2007	019759731		11/10/2007	1,154.74	0.00	1,154.74
10/31/2007	019084962	09052004AMV	11/10/2007	-34.30	0.00	-34.30
10/31/2007	019084963	09052004AMV	11/10/2007	44.34	0.00	44.34
11/05/2007	019809097		11/25/2007	920.05	0.00	920.05
11/16/2007	019847659		12/10/2007	920.12	0.00	920.12
12/03/2007	019889710		12/25/2007	855.79	0.00	855.79
12/05/2007	019894353		12/25/2007	-17.50	0.00	-17.50
12/17/2007	019929230		01/10/2008	855.79	0.00	855.79
01/02/2008	019970360		01/25/2008	855.66	0.00	855.66

Total Transactions	\$125,316.66
Less: Cash Received	\$0.00
Total Outstanding Balance	\$125,316.66

Please address questions to: Name: Rosemary Coe  
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